

Introduced by Senator Sher

February 21, 2003

An act to amend Section 410.30 of the Code of Civil Procedure, relating to jurisdiction.

LEGISLATIVE COUNSEL'S DIGEST

SB 792, as amended, Sher. Jurisdiction: *foreign forums*.

Existing law requires the court to stay or dismiss any action in whole or in part upon a ~~specified~~ finding *in the interest of substantial justice* that the action should be heard outside the state, except as specified.

This bill would ~~make nonsubstantive, technical changes to that provision~~ *require the court in making this finding in regard to specified actions to consider the availability and adequacy of the alternative foreign forum*.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~—yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 410.30 of the Code of Civil Procedure
- 2 is amended to read:
- 3 410.30. (a) If a court upon motion of a party or its own
- 4 motion finds that in the interest of substantial justice an action
- 5 should be heard in a forum outside this state, the court shall stay
- 6 or dismiss the action in whole or in part on any condition that may
- 7 be just.



1 (b) *Pursuant to subdivision (a), in determining the interest of*
2 *substantial justice in any action by a natural person for damages*
3 *for death or personal injury in a foreign country, the court shall*
4 *consider the availability and adequacy of the foreign forum. The*
5 *determination of availability and adequacy shall include, but not*
6 *be limited to, any relevant pronouncement of a foreign country's*
7 *executive, legislative, or judicial branch, and any relevant findings*
8 *or reports of international organizations, such as the United*
9 *Nations Commission on Human Rights or the Organization of*
10 *American States Juridical Committee.*

11 (c) The provisions of Section 418.10 do not apply to a motion
12 to stay or dismiss the action by a defendant who has made a general
13 appearance.

